

APPEAL NO. 020496
FILED APRIL 17, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 13, 2002. The hearing officer resolved the disputed issues before him by determining that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease with the date of injury being _____, due to repetitive trauma to her wrist, and that the respondent (self-insured) is not relieved from liability under Section 409.002 because the claimant timely reported the alleged injury to her employer pursuant to Section 409.001. The claimant appeals the hearing officer's determination that she did not sustain a compensable injury on sufficiency grounds. The file contains no response from the self-insured. The hearing officer's determination that the self-insured is not relieved from liability under Section 409.002 because the claimant timely reported her injury to her employer pursuant to Section 409.001 is unappealed and has become final. Section 410.169.

DECISION

Affirmed.

The claimant testified that due to the repetitive nature of her job, she sustained a compensable injury in the form of right wrist carpal tunnel syndrome (CTS), with the date of injury being _____. The claimant testified that her job duties were repetitive in nature as she was required to do a substantial amount of driving, writing, and keyboarding. The self-insured presented evidence that the claimant's job was not repetitive in nature and that she was involved in a motor vehicle accident in April 2001.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury in the form of an occupational disease due to repetitive trauma to her wrist. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). There was conflicting evidence on the repetitive nature of the claimant's job. The hearing officer resolved the conflicts and inconsistencies in the evidence against the claimant and he was acting within his role as the fact finder in determining that the claimant did not sustain her burden of proof on that issue. Nothing in our review of the record indicates that the hearing officer's determination that the claimant did not sustain a compensable injury in the form of CTS is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Finally, in her appeal, the claimant asserts that the ombudsman may not have fully assisted her due to illness. Upon a complete review of the record we note that no continuance was requested and we find no indication that the ombudsman was unable to fully assist the claimant at any point in the hearing.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SA
(ADDRESS)
((CITY), TEXAS (ZIP CODE)).**

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge